



# Orange County Government

Orange County  
Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393

## Legislation Text

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**File #:** 24-1579, **Version:** 1

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### Interoffice Memorandum

**DATE:** October 14, 2024

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** NA

**FROM:** Joseph C. Kunkel, P.E., Director, Public Works Department

**CONTACT:** Brian R. Sanders, Manager

**PHONE:** (407) 836-8022

**DIVISION:** Transportation Planning Division

**ACTION REQUESTED:**

Approval and execution of (1) Resolution of the Orange County Board of County Commissioners regarding the Local Agency Program Supplemental Agreement with the State of Florida Department of Transportation concerning the Lake Apopka Trail Connector (FPN Number 441447-1-58/68-01) and (2) State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN: 441447-1-58/68-01 Contract No.: G2R75. District 2. (**Transportation Planning Division**)

**PROJECT:** NA

**PURPOSE:**

The Public Works Department has solicited construction services for the Lake Apopka Trail Connector project. This project will extend the existing Lake Apopka Loop Trail near Magnolia Park and connect to the West Orange Trail. Portions of this trail are being constructed by through the Oak Point North and Wynwood developments. The proposed trail will include a 10' to 14' wide asphalt and concrete trail, gravity walls, curb and gutter, detectable warning surfaces, fencing, landscaping, signing and pavement markings, flashing signs, rectangular rapid flashing beacons, bicycle racks, trash receptacles, benches, rest area shelters, water fountains, drainage improvements and grading. The project length is approximately 3,219 feet.

This project is funded in accordance with the Local Agency Program (LAP) Agreement that was approved by the Board on February 21, 2023. Due to inflationary effects realized during the approval of the construction bid, the project cost has increased from \$5,875,906 to \$8,588,048. The Florida

Department of Transportation and MetroPlan Orlando have agreed to increase the federal fund amount to \$5,282,758 (formally \$4,000,000) and the County's share increases to \$3,305,290 (formally \$1,875,906). The Public Works Department will seek to reduce or eliminate future funding gaps by requesting additional funding through MetroPlan Orlando.

The County Attorney's Office, Risk Management Division, Public Works Engineering Division, Highway Construction Division, Parks and Recreation Division, and Transportation Planning Division have reviewed this Resolution and Supplemental Agreement and find them acceptable.

**BUDGET: NA**

APPROVED BY ORANGE  
COUNTY BOARD OF COUNTY  
COMMISSIONERS

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

525-010-32  
PROGRAM MANAGEMENT  
03/22

Page 1 of 4

BCC Mtg. Date: October 29, 2024

SUPPLEMENTAL NO.

1

FEDERAL ID NO. (FAIN)

D522 090 B

CONTRACT NO.

G2R75

FEDERAL AWARD DATE

10/31/2023 & 11/22/2024

FPN

441447-1-58/68-01

RECIPIENT UNIQUE ENTITY ID SAM NO.

ZAMZMX9ZHCM9

Recipient, (Orange County), and the Florida Department of Transportation, desires to supplement the original Agreement entered into and executed on November 28, 2023 as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

**PROJECT DESCRIPTION**

Name Lake Apopka Trail Connector Length ~ 3.219 miles

Termini from Lake Apopka Loop Trail to West Orange Trail

Description of Work:

This project with Orange County (Recipient) includes the construction of a 10- to 14-foot-wide asphalt pavement/concrete shared use path with a boardwalk section that will connect the existing Lake Apopka Loop Trail to the West Orange Trail. The total length of the proposed trail to be constructed as part of this project is approximately 3.219 miles. Sections of the Trail through the proposed Oak Point North and Wynwood Developments are being constructed by others and will connect to this project.

The Lake Apopka Connector Trail will pass through the State Road 429 interchange and proposes construction within the Central Florida Expressway (CFX) right-of-way including milling and resurfacing of the State Road 429 northbound on-ramp, southbound off-ramp, construction of a concrete shared use path, curb ramp construction, detectable warning surfaces, curb and gutter, concrete removal, fencing, gravity wall, construction of pedestrian signals and detectors, conduit, signing and pavement markings, and erosion control.

The trail is proposed to begin at the existing Lake Apopka Loop Trail near Magnolia Park and travel along the east and north side of Binion Road until the intersection with Ocoee Apopka Road where it will travel along the west side of the roadway through the State Road 429 interchange. North of the interchange, the trail will connect to a proposed trail to be built by others that will pass through the proposed Oak Point North development. The trail will then travel south and east until the intersection with West McCormick Road where the trail will continue along the north side of the roadway until just past the Clarke Road intersection. The Trail then crosses over McCormick Road and then runs east along the south side until it ends at the Wynwood Development. A portion of the Trail is being constructed in the Wynwood Development and will connect with the existing West Orange Trail. The proposed trail will include asphalt and concrete for the trail, gravity wall construction, roadway work for turnouts, curb and gutter, curb ramp construction, detectable warning surfaces, fence construction, landscaping, signing and pavement markings including flashing signs, rectangular rapid flashing beacons, bicycle racks, trash receptacles, benches, rest area shelters, water fountains, and drainage improvements including mitered end sections, piping, ditch bottom inlets, curb inlets, and grading.

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

A precast concrete boardwalk section approximately 100 feet in length is proposed between the Oak Point North development and West McCormick Road and will be supported by prestressed concrete piles. The boardwalk will include a 42-inch steel railing for pedestrians.

The following items are not eligible for reimbursement and will be locally funded:

- 107-1 Litter Removal
- 107-2 Mowing

All pedestrian facilities shall adhere to current ADA standards. Utility coordination is required and has been coordinated. The project disturbs more than one acre of soil during construction; therefore, the contractor will be required to obtain a Generic Permit for Stormwater Discharge from Large and Small Construction Activities, from Florida Department of Environmental Protection (FDEP). The need for an environmental resource permit is being coordinated for the project but will likely qualify for an exemption. The County (Recipient) shall construct the project within the limits of the existing right-of-way or easements.

The County (Recipient) shall maintain the improvements within CFX right-of-way

Reason for Supplement and supporting engineering and/or cost analysis:

1. Revisions to scope are as follows: Modification of items not eligible for reimbursement will now include only Litter Removal and Mowing.
2. Pursuant to Paragraph 4.0 Project Cost of the Local Agency Program Agreement, the Recipient and the Department acknowledge and agree that the Schedule of Funding for Construction that includes the authorized and encumbered Federal funding and the Local funding contribution on the project shall be increased to an amount equal to the Recipient's construction contract award amount of \$7,994,900.00. This results in an increase of total construction funding by \$2,712,142.00. The federal funding is to be increased by \$1,282,758.00, which is the difference between previous federal funding of \$4,000,000.00 and the current federal funding of \$5,282,758.00. Local Funds will be increased by \$1,429,384.00, which is the difference between previous local funding of \$1,282,758.00 and the current local funding of \$2,712,142.00.

There are no changes to the CEI Local funding amount of \$593,148.00.

3. Revisions to the federal and local funding amounts attributed to the amounts referenced above are reflected in the Adjusted Exhibit "B" Schedule of Financial Assistance, and in Exhibit "E", Federal Financial Assistance (Single Audit Act), attached hereto and incorporated herein.
4. The Recipient Resolution authorizing entry into this Supplemental Agreement is attached and incorporated into this Supplemental Agreement as Exhibit "D".
5. Exhibit "H", Alternative Advance Payment Financial Provisions, is attached and incorporated herein.

*The remainder of this page intentionally left blank.*

**LOCAL AGENCY PROGRAM****SUPPLEMENTAL AGREEMENT****ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE**

RECIPIENT NAME & BILLING ADDRESS: Orange County  
4200 South John Young Parkway  
Orlando, FL 32837

FINANCIAL PROJECT NUMBER: 441447-1-58/68-01

PHASE OF WORK By Fiscal Year	FUNDING					
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL LOCAL FUNDS	(5) TOTAL STATE FUNDS	(6) TOTAL FEDERAL FUNDS
<b>Design</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name)  <b>Total Design Cost</b>	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00
<b>Right-of-Way</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name)  <b>Total Right-of-Way Cost</b>	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00
<b>Construction</b> FY: 2023-2024 (LAP) FY: 2024-2025 (LAP) FY: (Insert Program Name)  <b>Total Construction Cost</b>	\$5,282,758.00 \$0.00 \$5,282,758.00	\$0.00 \$2,712,142.00 \$2,712,142.00	\$5,282,758.00 \$2,712,142.00 \$7,994,900.00	\$1,282,758.00 \$1,429,384.00 \$2,712,142.00	\$0.00 \$0.00 \$ 0.00	\$4,000,000.00 \$1,282,758.00 \$5,282,758.00
<b>Construction Engineering and Inspection (CEI)</b> FY: 2023-2024 (LAP) FY: (Insert Program Name) FY: (Insert Program Name)  <b>Total CEI Cost</b>	\$593,148.00  \$593,148.00	\$0.00  \$ 0.00	\$593,148.00  \$593,148.00	\$593,148.00  \$593,148.00	\$0.00  \$ 0.00	\$0.00  \$ 0.00
<b>(Insert Phase)</b> FY: (Insert Program Name) FY: (Insert Program Name) FY: (Insert Program Name)  <b>Total Phase Costs</b>	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00	   \$ 0.00
<b>TOTAL COST OF THE PROJECT</b>	\$5,875,906.00	\$2,712,142.00	\$8,588,048.00	\$3,305,290.00	\$ 0.00	\$5,282,758.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Precious L. Lewis  
District Grant Manager Name

DocuSigned by:

Precious L. Lewis  
Signature

12/10/2024 | 5:38 PM EST

Date

IN WITNESS WHEREOF, the parties have executed this Agreement on the date last ascribed herein.

RECIPIENT ORANGE COUNTY

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

By: See attached signature page  
Name:  
Title:

DocuSigned by:  
By: *C. Jack Adkins*  
Name: C. Jack Adkins  
Title: Director of Transportation Development  
Date: 12/11/2024 | 9:05 AM EST

Legal Review:

DocuSigned by:  
Daniel McDermott  
585E81E26BBA45C...

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written above.

**RECIPIENT ORANGE COUNTY**

By: Board of County Commissioners

By: *Bruno. B. B. B.*

for Jerry L. Demings, County Mayor

Attest: Phil Diamond, CPA, County Comptroller  
as Clerk of the Board of County Commissioners

By: *Jennifer Lara - Klimetz*

for Deputy Clerk

Printed name: Jennifer Lara-Klimetz



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT**

**EXHIBIT D**

**RECIPIENT RESOLUTION**

The Recipient's Resolution authorizing entry into this Agreement is attached and incorporated into this Agreement.



BCC Mtg. Date: October 29, 2024

# RESOLUTION

*of the*

## **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

*regarding the*

### **LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION CONCERNING THE LAKE APOPKA TRAIL CONNECTOR**

**(FPN Number 441447-1-58/68-01)**

**Resolution No. 2024-M-45**

**WHEREAS**, today, the Board of County Commissioners is approving a Supplemental Local Agency Program Agreement with the State of Florida Department of Transportation concerning the Lake Apopka Trail Project (the “Project”), FPN Number 441447-1-58/68-01 (“SUPPLEMENTAL LAP”);

**WHEREAS**, the State of Florida Department of Transportation and Orange County desire to facilitate the Lake Apopka Trail Project;

**WHEREAS**, the State of Florida Department of Transportation has requested Orange County to execute and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement for the aforementioned project, FPN 441447-1-58/68-01;

**WHEREAS**, Orange County is agreeing under this SUPPLEMENTAL LAP improvements of the project will increase local and federal funding amounts and modify items not eligible for reimbursement to include only litter removal and mowing; and

**WHEREAS**, the Department of Transportation is requesting that the Orange County Board of County Commissioners adopt a Resolution authorizing its officials to make, execute, and deliver this SUPPLEMENTAL LAP to the Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTY  
BOARD OF COUNTY COMMISSIONERS:**

***Section 1. Authorization for the County Mayor to Make, Execute, and Deliver this SUPPLEMENTAL LAP Agreement to the State of Florida Department of Transportation.***

The County Mayor is hereby authorized to make, execute, and deliver to the State of Florida Department of Transportation the Local Agency Program Agreement, and any Supplemental Agreements to the Local Agency Program Agreement for the aforementioned project, FPN Number 441447-1-58/68-01.

***Section 2. Effective Date.*** This Resolution shall take effect on the date of its adoption.

ADOPTED this 29 day of October, 2024.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings  
County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Jennifer Lara-Klimetz*  
Deputy Clerk

Print Name: Jennifer Lara-Klimetz



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT****EXHIBIT E****FEDERAL FINANCIAL ASSISTANCE (SINGLE AUDIT ACT)****FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

CFDA No.: 20.205  
CFDA Title: Highway Planning and Construction  
Federal-Aid Highway Program, Federal Lands Highway Program  
CFDA Program [https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is\\_active=true&page=1](https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is_active=true&page=1)  
Site: [https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is\\_active=true&page=1](https://beta.sam.gov/fal/1093726316c3409a8e50f4c75f5ef2c6/view?keywords=20.205&sort=-relevance&index=cfd&is_active=true&page=1)  
Award Amount: \$5,282,758.00  
Awarding Agency: Florida Department of Transportation  
Award is for: No  
R&D:  
Indirect Cost: N/A  
Rate:

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT ARE SUBJECT TO THE FOLLOWING:**

2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles & Audit Requirements for Federal Awards

<http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>

**FEDERAL RESOURCES AWARDED PURSUANT TO THIS AGREEMENT MAY ALSO BE SUBJECT TO THE FOLLOWING:**

Title 23 – Highways, United States Code

<http://uscode.house.gov/browse/prelim@title23&edition=prelim>

Title 49 – Transportation, United States Code

<http://uscode.house.gov/browse/prelim@title49&edition=prelim>

Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”)

<https://www.congress.gov/117/bills/hr3684/BILLS-117hr3684enr.pdf>

Federal Highway Administration – Florida Division

<http://www.fhwa.dot.gov/fldiv/>

Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS)

<https://www.fsrs.gov/>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM AGREEMENT****EXHIBIT H****ALTERNATIVE ADVANCE PAYMENT FINANCIAL PROVISIONS**

If payments are authorized by the Chief Financial Officer of the State of Florida under Chapters 215 and 216, Florida Statutes or the Department's Comptroller under Section 334.044(29), Florida Statutes:

1. The invoiced amount to the Department for contractor(s) and consultant(s) cannot exceed the amount of the invoice received from the Recipient's contractor(s) or consultant(s).
2. All of the Recipient's costs must have been incurred and paid prior to the date of the invoice.
3. All invoices received from the Recipient shall clearly separate the cost of the contractor(s) or consultant(s) from the Recipient's costs billed to the Department.
4. All invoices submitted to the Department must provide complete documentation, including a copy of the contractor's or consultant's invoice(s), to substantiate the cost on the invoice.
5. The Recipient must certify on each invoice that the costs from the contractor(s) or consultant(s) are valid and have been incurred by the contractor(s) or consultant(s).
6. Each monthly invoice subsequent to the first invoice from the Recipient must contain a statement from the Recipient that the previous month's cost incurred by the contractor(s) or consultant(s) has been paid by the Recipient to the contractor(s) or consultant(s).